

REMARKS

The Official Action mailed October 1, 2004, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statement filed on June 9, 2004.

The Applicants note the *partial* consideration of the Information Disclosure Statement filed on February 28, 2001. Specifically, it appears that the Examiner has crossed through the citation of five (5) Japanese references (JP 10-215291, 08-307408, 09-186730, 09-321813 and 09-199997) and has written "not in English" in the left margin. However, the Applicants respectfully submit that the five (5) Japanese references noted above must be considered since they were cited on Form PTO-1449 in the IDS filed February 28, 2001, in full compliance with 37 CFR 1.97 and 1.98. "An information disclosure statement filed in accordance with the provisions of 37 CFR 1.97 and 37 CFR 1.98 will be considered by the examiner assigned to the application" (MPEP 609, emphasis added).

Also, MPEP § 609, Section III.A(3) states the following:

Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report.

Further, MPEP § 609 states that information which complies with 37 CFR 1.97 and 1.98 but which is in a non-English language will be considered insofar as it is understood on its face, e.g., drawings, chemical formulas, in the same manner that non-English language information in Office search files is considered by examiners in conducting searches.

Still further, it is noted that the five (5) Japanese references were "A" references originally cited in the International Search Report, a translated copy of which has been submitted, which define "the general state of the art" (MPEP Appendix AI, § 507(c) of the Administrative Instructions of the Patent Cooperation Treaty).

Therefore, the Applicants respectfully request that the Examiner provide an initialed copy of the Form PTO-1449 evidencing consideration of the five (5) Japanese references noted above.

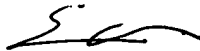
As a courtesy to the Examiner, the Applicant has attached a clean copy of the Form PTO-1449 submitted with the Information Disclosure Statement filed February 28, 2001. It is noted that the Applicant is merely resubmitting the above Form as a courtesy to the Examiner. It is respectfully submitted that the above-referenced documents were properly and timely filed on February 28, 2001, and should be accorded their filing date for the purposes of consideration and compliance with 37 CFR 1.97 and 1.98.

Claims 1-8 and 10 are pending in the present application, of which claims 1 and 7 are independent. Claims 1, 4, 7 and 10 have been amended to correct minor matters of form. The Applicants note with appreciation the allowance of claims 7, 8 and 10 and the indication of the allowability of claims 1-6 (page 2, Paper No. 5). For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action rejects claims 1-6 under 35 U.S.C. § 112, second paragraph, for lacking antecedent basis for "the carrier frequency" in claim 1 and "said correlation" in claim 4. In response, claim 1 has been amended to recite "a carrier frequency" and claim 4 has been amended to recite "said auto-correlation." Claims 7 and 10 have been amended to correct minor grammatical and typographical errors. The Applicants respectfully submit that claims 1 and 4 are definite as amended. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112 are in order and respectfully requested.

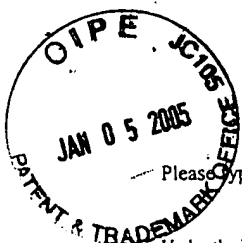
Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	
				Filing Date February 28, 2001	
				First Named Inventor Atsushi SHINODA et al.	
				Group Art Unit	
Examiner Name					
Sheet	1	of	1	Attorney Docket Number 740670-255	

U.S. PATENT DOCUMENTS						
Examiner Initials [*]	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS								
Examiner Initials [*]	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁴
		Office ³	Number ⁴	Kind Code ² (if known)				
		Japan	11-098432			04/09/1999		
		Europe	0 940 957 A1		Shibuya et al.	09/08/1999		Full
		Japan	10-215291			08/11/1998		
		Japan	08-307408			11/22/1996		
		Japan	09-186730			07/15/1997		
		Japan	09-321813			12/12/1997		
		Japan	09-199997			07/31/1997		
		PCT	WO99/14914		Shibuya et al.	03/25/1999		Abstract

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials [*]	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		International Search Report	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

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